

Minutes of the Planning Commission meeting held on Thursday, August 5, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Sheri Van Bibber, Vice-Chair
Ray Black
Karen Daniels
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Tim Taylor
Jeff Evans
Kurtis Aoki

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Harland opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Karen Daniels made a motion to approve the minutes from July 15, 2010. Seconded by Sheri Van Bibber.

A voice vote was made. The motion passed, 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Karen Daniels made a motion to approve the Findings of Fact for a Conditional Use Permit for Huka Internet Café & Juice Bar. Seconded by Sheri Van Bibber.

A voice vote was made. The motion passed, 4-0.

WOODSTOCK ELEMENTARY – 6015 South 1300 East – Project #10-180

Steve Forbes was the applicant present to represent this request. Tim Tingey reviewed the location and proposal for Woodstock Elementary. Mr. Tingey indicated that Utah Code Title 10 Chapter 9a Section 305 (3) (a) states that schools are subject to a municipality's land use ordinances. Section 10-9a-305 requires that a public agency specified in the title, including school districts, submit a development plan to the land use authority as early as practicable in the development process in order for the land use authority to assess the agency's compliance with the land use ordinance. However, the review of the City is limited by State law. Section 10-9a-305(4) (a) specifies certain requirements that a municipality may not impose on a school such as landscaping, fencing, aesthetic considerations, construction methods and materials, building

inspections and codes, restrictions on educational uses, or placement of temporary classrooms. Utah Administrative Rule R277-471-4 requires that prior to developing plans and specifications for a new public school or the expansion of an existing public school the school district shall coordinate with affected local government land use authorities and utility providers. The Planning Commission is the designated Land Use Authority for Murray City. One of the purposes of this coordination is to ensure that the expansion of the school in the intended location will comply with applicable local general plan and land use laws and will not conflict with entitled land uses. Work on the proposed school was started without coordination with the planning commission as required by State Law and Administrative Rules. City staff became aware of construction proceeding on site in late May/early June of 2010 and required the applicant to stop work on the site until a Land Disturbance Permit was obtained for the proposed grading on site. City staff initiated a meeting with the school district and also made them aware of the requirement to obtain a conditional use permit for the proposed school and the state law requiring coordination with local governments. The applicant obtained the required land disturbance permit and has continued work on the school. After further communication and follow up by City staff, an application for conditional use permit was submitted on July 15, 2010.

Staff has analyzed the proposed school based on the applicable sections of the land use ordinance. A summary of the analysis is included below. The parking ordinance requires a total of one parking space per employee and one space per each two classrooms. The applicant has indicated that there will be a total of 40 employees and the plans show a total of 27 classrooms requiring a total of 54 parking spaces. The submitted plans show a total of 92 parking spaces which meets the minimum parking requirement for an elementary school use. The proposed school building meets the required setbacks and building height for the R-1-10 zoning district. The proposed height is ± 30 feet which is less than the allowed 35 feet height. The building setback exceeds the 25 foot front and rear yard requirement and the 8 foot minimum side yard setback requirement. Proposed side yard setbacks also exceed the minimum of 8 feet and the total of the two side yards exceeds the minimum 20 feet required by the ordinance for properties in the R-1-10 zoning district. The proposal includes two access driveways on 1300 East and one driveway on Vine Street. The proposal includes moving the southern most driveway on 1300 East further to the north providing better separation from the intersection with Vine Street. Murray City Code Section 17.56.060 outlines the following standards for review of conditional uses. The school use has existed on the site for many years. The current building was completed in 1959 with an addition of a multipurpose room in 1976. The proposed school building will provide a facility which will continue to contribute to the neighborhood. Educational uses are allowed in all zoning districts within the City. However, some zoning districts require the approval of a conditional use permit for an educational use in order to provide additional review of the impacts of a school on existing entitled land uses, including traffic impacts and impacts to adjacent residential uses. With conditions related to buffering and pedestrian circulation, the use will not be detrimental to the health safety and welfare of persons residing or working in the area.

State Law exempts schools from conditions of approval related to building materials, landscaping, fencing and other aesthetic consideration. However, state law does not prohibit conditions related to buffering and protection of adjacent uses. Based on feedback received from neighboring property owners some type of buffering is appropriate between the playing field and the existing residential homes. Conditions

related to buffering the residential uses are appropriate to provide for mitigation of impacts to adjacent properties. A safe walking route plan will be required to be submitted prior to completion of the new building to ensure safe pedestrian access to the school.

The Water and Sewer Department noted that Murray City does not provide these services in this area. The Power Department noted that power in the area is provided by Rocky Mountain Power. The Building Official has requested that monthly reports be provided as required by State Administrative Rules. The City Engineer has requested that a revised safe walking route be approved based on the proposed changes to the cross walk. The engineer also indicated that the school district has obtained a land disturbance permit from the City which is required because the site disturbs more than one acre. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Jim Harland asked who will be performing the building inspections. Mr. Tingey replied that the inspections are done through the State Board of Education and that the applicant can provide the exact information on inspections.

Steve Forbes, Manager of Construction Services for Granite School District was present along with Amy Martz, Principal of Woodstock Elementary. Mr. Forbes confirmed that he has reviewed the staff report and conditions. He stated that condition 4 is an issue he is willing to discuss. He said that the site, at just over 7 acres, is smaller than normal for an elementary school. He stated that adding a vegetative buffer may decrease the size of the play field. Mr. Harland stated that if the Planning Commission approves this request that Mr. Forbes must agree to meet the conditions. Mr. Forbes stated that this is the first time he has been required to go through this process due to recent statute changes. He apologized for deviating from protocol as the district is still becoming familiar with these changes. Mr. Forbes stated that the State Board of Education has made each school district a separate jurisdiction. He said that the district maintains certified ICC inspectors that perform the same function as a Building Official performs for municipalities.

Mr. Harland asked why there was a delay between the time the school district obtained a land disturbance permit and the time that an application was submitted for a conditional use permit. Mr. Forbes stated that there were some questions regarding the process and that he met with Mr. Tingey to clarify some issues. Mr. Black asked when the new law went into effect. Mr. Tingey stated that he believes the new statutes went into effect between 2 to 5 years ago. Mr. Forbes stated that the school district has built new buildings since the law changed but have never been required to complete this process. He said that House Bill 259 two years ago may have initiated the process of coordinating with municipalities.

Amy Martz stated that the community approved the bond for this project in November. She said that part of the district's goal is to move quickly due to economic factors that include job availability and low construction costs. She said that the project has moved quickly because the district wants to make the most of the money they have to spend on education. She said that design and planning for the school started in January.

Mr. Harland asked if there are options for condition 4. Mr. Tingey stated that the code

allows the city some authority related to buffering and that staff believes it is important for the residents in the area. Mr. Forbes stated that it is standard practice to not have shrubs on playgrounds due to security concerns and that trees are often a safety hazard because the kids try to climb them or run into them while playing. He said that they try to keep a free and clear environment, which is challenging in the limited space of this site, and vegetation is a deviation from standard plans. Ms. Van Bibber stated that the vegetation could optionally be installed along the outside of the fence. Mr. Harland stated that the type of vegetation needs to be approved by the City Forester or staff, but that there may be other types of vegetation that would be better suited to the area.

Mr. Black asked if the building inspector is an employee of the school district. Mr. Forbes confirmed that he is, and said that schools are generally built above building code requirements. He stated that there is not a conflict of interest and that the school district separates those that do inspections from those that approve funds.

Mr. Harland opened the meeting for public comments related to this item.

Michelle Kruger, 6003 South 1300 East, stated that she is the neighbor directly to the north of the construction. She said that her driveway is being blocked off due to the construction and access is difficult. She stated that she works in an office across the street and has to walk through the construction area. Ms. Kruger stated that her hobby is gardening and that she has a dry landscape garden against the north fence. She said that if any of her vines grow over the fence the district employees cut them back and that the reason she has vines in the fence is to provide some privacy in her yard because she was told she could not install privacy slats in the fence.

Mr. Harland stated that the requirement for vegetation is for the purpose of providing privacy. Mr. Kruger stated that the school district will come and cut it down and that they want clear fencing as protection against predators.

Allison Barber, 5998 South 1430 East, stated that her home is on the northwest corner of the site, directly behind the new baseball backstop. She said that the neighbors along the north and east side would like the buffering because there isn't enough room to play baseball and the foul balls will come into the adjacent yards where there are young children. She stated that there needs to be some control over who uses the ball field and when.

LeRoy Pulos, 1356 East 5985 South, stated that he is concerned about the fencing that is going to be installed. He asked if a new fence is installed what will happen to the existing fences and also who will maintain that area.

Michael Patterson, 1390 East 5985 South, stated that his home also sits behind the baseball diamond. He said that he fully supports the construction of the school and thinks that it will benefit the children in the area. He said that he is disappointed that the neighbors weren't better informed about the project and that he was unaware anything was going to be built until he saw soil being moved. Mr. Patterson stated that initially a 12 foot fence was proposed along the perimeter but that neighbors were unhappy with that proposal. He said that the project manager was willing to put in a 6 foot fence instead. He stated that he hasn't had problems with balls coming into his yard, although

he is concerned about the backstop and the way the ball field is laid out. He suggested considering a different location for the backstop in the southwest corner. He said that he would like to be able to work together to find a place for the backstop that accommodates the interests of everyone.

Rodney Wach, 6010 South 1300 East, stated that he lives directly across 1300 East from the school. He said that he has had cones in his front yard for the past 4 weeks and that he agrees with the previous comments regarding safe driveway access. He said that there are safety concerns for pedestrians and bicyclists as traffic has been pushed over to the shoulder of the road. Mr. Wach stated that he also agrees with Mr. Patterson's comments that the new school will be a positive benefit. He said that he would have liked advance notice that his driveway was going to be partially blocked off.

Peter Iccabazzi was present to represent his mother, Midge Galiazi, who resides at 1369 East Vine Street. He stated that her property is at the south end of the field. He said that they support the proposal to move the backstop to the corner near her house. He stated that there is a considerable buffer between her property and the fence line.

Jenny Sperry, 1366 East 5985 South, stated that she lives on the north side of the school. She said that she agrees with the majority of the comments made by the public. She said that there should have been communication from the district or planners to advise when the construction was starting. Ms. Sperry stated that she would like an in-depth meeting that would cover the details of the plans. She said that there has been asphalt installed near her backyard and that she has concerns about her privacy and the noise.

Kenneth Killian, 1433 East Vine Meadows Circle, stated that he has lived at this location for 6 years. He said that he previously lived next to another school that allowed sports to be played on the premises on the weekends. He said that it was noisy all the time and he moved in order to get away from it. He stated that he has concerns about safety on Vine Street because there is not an area for cars to pull off of the street to pick up or drop off their children. Mr. Killian stated that he would like to be advised of the next safety meeting because he would like to attend. He agreed that the baseball diamond has not been well planned. He said that he doesn't see any risk of someone hiding in vegetation or shrubs during the daylight hours when kids are at school. He stated that the school district should have talked to the neighbors about this building. He said that when he lived near another school that the neighbors were advised of special events. Mr. Killian said that Murray City wasn't paying close attention to what the district was doing. He stated that the reason this neighborhood wanted to be annexed into Murray was because they have great services. Mr. Harland stated that Murray City identified the problem and is taking steps to resolve and that the City is not at fault.

Cherise Wach, 6010 South 1300 East, stated that when parents are dropping off or picking up children that they use the driveway right in front of hers. She said that she would like a safer traffic flow and that she is often cut off from her driveway. She suggested a skywalk across 1300 East. Ms. Wach agreed with prior comments regarding traffic cones and failure to communicate. She said that the construction is shaking her house and she questioned violations related to that.

Mr. Harland asked Mr. Forbes about the cones blocking off driveways. Mr. Forbes responded that he was unaware of this problem until now. He said that he will address the problem.

Mr. Harland said that the ball field is also a concern, both the location and direction of the backstop. Mr. Forbes stated that he has talked with some of the neighbors about their concerns with the backstop. He said that the storm drainage for the site has catch basins in the southwest and northwest corners of the playfield, which would prohibit locating the backstop in those areas. Ms. Van Bibber asked if there is currently a baseball field at the school. Mr. Harland stated that there is a ball field but the backstop is in the middle of the field.

Mr. Harland stated that he understands the fence height has been reduced from 12 feet to 6 feet in response to neighbor requests. Mr. Forbes confirmed that it has.

Mr. Harland asked about the concerns regarding traffic safety. Amy Martz stated that the Community Council is involved and has implemented a safe walking plan. She said that each year the council is required to create a safe walking route, which can be found online with the school district and UDOT, and also safe driving routes. She stated that one of the reasons that the school is being replaced is due to minimal parking and the need for parents to park on the street and the volume of children crossing the street. She said that the new school will have 100 parking spaces and an area to pull up along a curb that is out of the roadway. Ms. Martz stated that these changes will increase safety around the school. Mr. Harland asked about the school Traffic Safety Committee. Ms. Martz responded that it is the school Community Council. Ms. Daniels asked if that meeting information is available on the website. Ms. Martz responded that it is.

Mr. Forbes stated that he would like the architect to briefly discuss the parent and school bus drop zone. He said that there is considerable time spent in reviewing drop zones. Selvam Rajavelu is an architect for this project and stated that he has visited the site several times to determine a better drop off zone. He said that there will be a new entrance on Vine Street and that there is an extended drop-off area near that entrance. He stated that the traffic will then drive through and exit onto 1300 East. He stated that there will be three turning lanes.

Ms. Martz stated that in regards to giving proper notice, the school district has held three public meetings which were on January 13, 2010, February 9, 2010, and February 11, 2010. She said that there was also a field trip to William Penn Elementary, which is the same design as the new school. She stated that the meetings were advertised on the marquee and letters to the patrons of the school inviting them to include their neighbors in the meetings. She said that Community Council meetings are also on the marquee and posted on the website. Ms. Martz stated that there were four council meetings throughout this time period. She said that although the project has moved quickly, there have been opportunities to ask questions. Ms. Daniels asked if a notice was sent to immediate neighbors that don't have children attending the school. Ms. Martz responded that to her knowledge it was not.

Mr. Harland suggested that Ms. Martz schedule a meeting with the public to address the issues raised tonight. He said that the project will affect the environment and property

values of the neighbors and that he understands their concerns. Mr. Forbes stated that the general contractor has been instructed to listen to the neighbors and try to reduce the impact on the adjacent neighborhood. He said that any construction process is a challenge to the neighbors and that they want to be good neighbors. Mr. Harland asked if there is a project manager or supervisor available on site. Mr. Forbes responded that there is usually someone available on the site.

Mr. Harland stated that he understands the frustration of those present. He said that he hopes they understand that it was not the staff of Murray City that failed to address this situation and in fact Murray staff brought the situation to light and is taking the correct steps to address the problems according to the authority granted by state law.

Mr. Tingey stated that there were questions raised regarding vegetation around the fences and houses shaking from the construction. Mr. Forbes responded that in relation to vegetation, the district has a practice to remove vegetation because it destroys the fence. Ms. Martz asked why a vegetative buffer is being requested. She stated that the neighbors didn't want the 12 foot fence, which would have provided some safety from the ball field, and there seems to be a conflict about what exactly is needed and why. Mr. Forbes stated that the shaking is likely related to compaction for installation of the sewer line and that he will check into that issue.

Tim Tingey stated that the staff condition regarding vegetation is to mitigate effects of the ball field for adjacent property owners. He said that there must be some sort of buffer to benefit the property owners.

Mr. Harland stated that staff has received written comments of concern pertaining to this item. Rodney Wach, Richard Quist, Brenda Gibb and Sue Miller wrote of concerns similar to those that have been discussed tonight.

Ray Black stated that he has served on the Commission for a long time and he has never seen this many people state that they were not informed about what was happening. He said that Murray City has policies in place that ensure this type of situation doesn't occur, and that in this particular circumstance those rules don't apply because of the state rules regarding school districts. Mr. Black stated that usually a notice is sent out to every address within a certain radius surrounding a project that states the project details and meeting information.

Mr. Harland closed the public comment portion of the meeting.

Mr. Black made a motion to approve the Conditional Use Permit for Granite School District for construction of a new elementary school building, replacing existing Woodstock Elementary, along with the associated site improvements at the property addressed 6015 South 1300 East, subject to conditions:

1. The project shall meet requirements as required by Rule R 277-471. Oversight of school inspections. Monthly reports must be provided to the Murray City Building Department.
2. The safe walking route for the school needs to be modified by the "School Traffic

Safety Committee” when they meet this summer because the north crosswalk on 1300 East is being moved to the north as part of the new school construction.

3. Comply with the terms of the Land Disturbance Permit issued for the site.
4. Provide a vegetative buffer along the north and east property lines bordering the play field to mitigate impacts to adjoining properties. The buffer may consist of trees, shrubs or any suitable combination.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 4-0.

Mr. Harland allowed a short recess of the meeting at this point, to reconvene in five minutes.

ARROWHEAD LANE CONDOMINIUMS – 875 East Pontiac Drive – Project #10-178

Michael McCoy and David Jenkins were the applicants present to represent this request. Ray Christensen reviewed the location and request from Utah Education Association for an office building condominium conversion subdivision approval at the property addressed 875 East Pontiac Drive. The applicant is requesting subdivision approval for the office building condominium conversion which subdivides the existing building into 5 units and allows for shared common area ownership. The applicant has submitted a draft of the Covenants, Conditions and Restrictions document for the project. The condo conversion process involves a change of ownership and subdivides the building into units with separate ownership. As part of the condo conversion process, an inspection report by a licensed engineer or contractor is provided for review by the Murray Building Official regarding the condition of the building and compliance to codes. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by the Murray City Officials with recommendations from the Planning Commission. Murray City Ordinances 603-606 regulates condominium conversions. Section 30-35 outlines action by the Community and Economic Development Department and states that the Director shall prepare a report on the conformity of a condominium plat to the zoning ordinance of the district in which it is located. This report satisfies this request.

The buildings use is currently legal non-conforming in the R-M-10 zone. The previous zoning for this property was R-M-12 (residential multi-family) which allowed professional office uses and building additions in residential multi-family zones with Conditional Use Permit approval. There were many building additions over the years constructed at this site. The project is not expanding or remodeling the building at this time. The parking information provided by the applicant for parking calculations show a total gross square footage of 32,452 square feet with a ratio of 4 parking stalls per 1,000 square feet which requires 130 total parking stalls. The site shows 182 parking stalls provided which

includes 6 disabled stalls. Based on the information provided by the applicant, including site plans and building plans, staff recommends the Planning Commission forward a positive recommendation for condominium conversion subdivision approval to the Mayor for final approval subject to the 6 conditions listed in the staff report.

David Jenkins, with Ensign Engineering, 90 East Fort Union Boulevard, Midvale, stated the UEA is not doing any expansion or remodeling of the existing building but is just a subdivision of the building into 5 condominium units with separate ownership. He said they are agreeable to comply with 5 conditions of approval but have some concerns with condition #6 which states "Installation of a 6 foot wide sidewalk is required along Pontiac Drive." He said there is an existing sidewalk at the south side of Pontiac for pedestrian use. A 6 foot wide sidewalk would only leave about a 2 foot wide strip for landscaping.

Michael McCoy, 875 East Pontiac Drive, stated he is the attorney for UEA. Mr. McCoy stated he has made efforts over the years with UEA to install trees on Pontiac Drive to serve as a buffer to the residential area. He said many of the trees have been installed in the last 10 years. He said there is a sidewalk on the south side of Pontiac Drive and the parking lot provides pedestrians a safe place to walk off the street.

Geoff Leonard, 864 East Arrowhead Lane, commented there are no changes or remodeling of the UEA buildings or use. He recommended that the sidewalk not be installed and the trees serve as a buffer. He said the building was previously a bomb shelter built by Murray City in the 1950's.

Tim Tingey stated he did not now why the sidewalk on the north side of Pontiac Drive was not installed previously with the construction of the building, but the sidewalk would provide a benefit to pedestrians in the neighborhood. The subdivision ordinance purposes are to promote the healthy safety and general welfare of the residents of the city to ensure the efficient and orderly development of the land within the city, to prevent the uncontrolled division and development of real property and the city as a whole, and to avoid poorly planned developments. He stated the Planning Commission has authority to recommend to the Mayor that the sidewalk be installed, or omitted, and recommend the Commission state a finding of fact addressing that public safety is not substantially jeopardized and there are suitable pedestrian walkways.

Sheri Van Bibber commented that a crosswalk could be striped on Pontiac Drive for pedestrians to use the sidewalk on the south side of Pontiac Drive. She did not see a need for a new sidewalk.

Glen Bancroft, 5195 South 860 East, stated he was not sure what the condominium conversion involved. He found there were no changes to the office use. He is not concerned with requiring a new sidewalk and stated the trees provide a good buffer to the neighborhood.

George VanDerMeyden, 5124 South 785 East, stated he lives at the home at the cul-de-sac to the west of the UEA building. He said UEA has been a good neighbor and he is not concerned with not having a new sidewalk.

Virginia Hendrickson, 5123 South 785 East, stated she feels a 6 foot wide sidewalk is not necessary along Pontiac Drive.

Karen Daniels suggested the possibility of omitting condition #6 requiring the sidewalk. She stated there is a sidewalk on the south side of Pontiac Drive and the trees provide a buffer.

Tim Tingey stated that if the commission omits condition #6, that a recommendation of findings is stated based on the comments: 1- A walkway on the south side of Pontiac Drive provides an internal pedestrian system; 2- Find that public safety is not substantially jeopardized.

Sheri Van Bibber made a motion to send a positive recommendation to the Mayor for the subdivision condominium conversion subject to the following conditions and omitting condition #6 requiring the 6 foot sidewalk:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
2. Comply with all water and sewer requirements including review and approval of the covenants, conditions and restrictions document for issues related to maintenance and ownership.
3. The Building Official will require compliance to building and fire codes and recommended approval subject to conditions: (1) Subject to site evaluation of the egress system. (2) Required exits shall be maintained for all tenants' etc. and (3) Review location of existing property line between the two buildings.
4. The project shall meet all Fire Department requirements.
5. Comply with all Murray Power Department requirements.

Ms. Van Bibber stated that omitting condition #6 is based on: 1 - A walkway on the south side of Pontiac Drive provides an internal pedestrian system; 2- The commission finds that public safety is not substantially jeopardized.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 4-0.

OTHER BUSINESS

There was no other business.

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Meeting adjourned.

Tim Tingey, Director
Community and Economic Development